

REMARKS

Original claim 1 has been amended to include the limitation of original claim 4, which has now been cancelled. Original claim 4 was rejected in the Office Action under 35 USC 103(a) as being unpatentable over Burger et al. (WP 99/16138). According to the Official Action, Burger discloses the use of perfluorinated-polyether phosphate (Table 1, MF 201) and although the reference is silent to specific electrolytes "[I]t would have been obvious to one ordinary skill in the art at the time the invention was made to use KOH as a base electrolyte as it is broadly known to be used as a basic electrolyte in electrochemical devices." Official Action at page 3. Applicants respectfully traverse this rejection.

The Burger reference discloses MF 201 as one of several compounds taught by the examples in that reference. MF 201 is used only for an example having a sulfuric acid electrolyte. The reference does not mention the use of KOH as an electrolyte, nor does it suggest that a compound such as MF 201 which is useful in an acidic electrolyte would be effective for use in a basic electrolyte like KOH. In fact, none of the compounds disclosed in the Burger reference, other than MF 201, would function properly in a KOH electrolyte. It is surprising that perfluorinated-polyether phosphate works in KOH. As mentioned in the present specification at page 9, lines 19-24, with reference to the preferred perfluorinated-polyether phosphate of this invention (F10), it is surprising that the material functions as a wetting agent for KOH. The product literature for this material promotes its use as a barrier coating material to provide surface properties such as oil/water repellency. It is thus a surprising result that it actually facilitates penetration of KOH into ePTFE, for example. As such, cannot be said that it would be obvious to one of ordinary skill in the art at the time the invention was made that perfluorinated-polyether phosphates would function as adequate wetting agents for KOH electrolyte. Reconsideration of the amended claims is respectfully requested.

Respectfully submitted,



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